

## REMARKS

This Response is submitted in reply to the non-final Office Action mailed on May 12, 2008. It is believed that no fee is due in connection with this Response, however, the Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-61 on the account statement.

Claims 1-17 are pending in this application. In the Office Action, Claims 16 and 17 are rejected under 35 U.S.C. §101 and Claims 1-17 are rejected under 35 U.S.C. §103. In response, Claims 1, 6, 7, 12, 16, and 17 have been amended and Claim 5 has been cancelled without prejudice or disclaimer. The amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

With respect to the 35 U.S.C. §101 rejection of Claims 16 and 17, Applicants submit that Claims 16 and 17 have been amended to traverse such a rejection. Claim 16 and 17 now reads, in part, “A computer program product embodied in a computer readable medium storing a program for a recording medium managing apparatus.”

Applicants submit that such language is statutory subject matter. The MPEP §2106.01(I) states, “In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory. See *Lowry*, 32 F.2d at 1583-84, 32 USPQ2d at 1035.”

For at least the reasons stated above Applicants respectfully request that the 35 U.S.C. §101 rejections be withdrawn.

With respect to the rejection of claims 1-17 under 35 U.S.C. §103(a) as being unpatentable over Mikawa (US Publication Number 20020097645) in view of Osawa (JP Publication Number 2001176189), Applicants submit that Claim 5 has been cancelled and Claims 1, 12, and 16 have been amended to traverse such a rejection.

Independent Claim 1 has been amended to recite, in part, “menu generating means for generating a menu displaying the disk identification information and corresponding attribute information of content items of the loaded recording medium and previously loaded recording mediums based on the management information stored in the management information storing means.” Support for the amendment can be found in Applicant’s specification. For example, The specification provides a menu display generated by a menu generating unit. The menu displays the management information including disk identification information and a title, a recording date, and a thumbnail for each content item. See, specification, paragraph [0075]. The management information is displayed in the menu even if the recording medium is not loaded at the time. See, specification, paragraph [0077]. Moreover, this amendment incorporates the features of the cancelled dependent Claim 5 into Claim 1. Claims 12 and 16 have been amended to include similar language.

With respect to independent claims 1, 12, and 16, Mikawa fails to disclose or suggest a menu that displays the disk identification information and the corresponding attribute information stored in the management information storing means for a recording medium that is not currently loaded. Mikawa teaches the display of disk management information and file management information stored in the HDD pertaining only to the currently loaded disk. See Mikawa, paragraphs [0086], [0087], and [0090] and Figures 5, 6, and 7. The purpose of the disk management disclosed in Mikawa is to enable quick retrieval of information associated with the loaded disk without examining all pieces of file information written on the disk and not the management of several recording mediums. Thus, the user is required to carry out the troublesome process of loading each disk and checking the management information to locate a specific file or confirm the content items of each recording medium.

As embodied by the claims and further supported by the specification, the claimed invention provides a menu that displays disk identification information and attribute information of a recording medium that is not currently loaded. See, specification, paragraphs [0075]-[0077] and Figure 7. The attribute information includes the file name, the recording date, and the thumbnail. See, specification, Figure 6. Thus, a file can be easily located and opened by locating the file in the menu, identifying the corresponding disk identification information, and

only loading that specific disk. Additionally, the content items of each recording medium can be confirmed quickly and without loading each individual recording medium.

With respect to independent Claims 13 and 17, Mikawa fails to disclose or suggest receiving an instruction for recording a content item on an assigned recording medium that is not loaded. Thus, Mikawa does not teach “storing the content item instructed to be recorded in the suspended-content-storing means and updating the suspension information of the suspension information storing means when the assigned recording medium is not loaded.”

Osawa fails to cure the deficiencies in Mikawa. Accordingly, Applicants respectfully request that the obviousness rejection with respect to independent Claims 1, 12, 13, 16, and 17 and dependent Claims 2-4, and 6-10, 14, and 15 be reconsidered and the rejection be withdrawn.

Applicants note that dependent Claims 6 and 7 have been amended to accommodate for the cancellation of Claim 5.

Applicants further note that Claim 18 and 19 has been newly added. Applicants respectfully submit that the newly added claims are fully supported in the specification. For example, new Claims 18 and 19 are supported at paragraph [0076] and Figure 7. Applicants respectfully submit that the subject matter as defined in the newly added claim is patentable over the cited art of record for at least the same reasons as discussed above, and for the additional patentable elements recited therein.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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Dated: July 29, 2008